

AGENDA
Land Development Code
Code Monitoring Team (CMT) Meeting
Wednesday · May 13, 2009 · 2:00 to 4:00 pm

Development Services Center (DSD) · Conference Room 5C
1222 First Avenue, San Diego, CA 92101

CMT MEMBERS:

- | | | |
|--|--|--|
| <input type="checkbox"/> Charles Bull
Historic Resources | <input type="checkbox"/> Guy Preuss
Community Member – CPC | <input type="checkbox"/> Vacant
Sierra Club |
| <input type="checkbox"/> John Leppert
American Society of Civil Engineers | <input type="checkbox"/> Janelle Riella
S.D. Assoc. of Realtors | <input type="checkbox"/> Vacant
Business Owner at-Large |
| <input type="checkbox"/> Claude-Anthony Marengo
Community Member at-Large | <input type="checkbox"/> Steve Silverman
American Planning Assoc. | <input type="checkbox"/> Vacant
Chamber of Commerce |
| <input type="checkbox"/> Rebecca Michael
S.D. Bar Association | <input type="checkbox"/> John Ziebarth
American Inst. of Architecture | <input type="checkbox"/> Vacant
Small Business |
| <input type="checkbox"/> Scott Molloy
Building Industry Assoc. | <input type="checkbox"/> Vacant
League of Women Voters | <input type="checkbox"/> Vacant
American Society of Landscape
Architects |
| <input type="checkbox"/> Sean Cardenas
Assoc. of Environmental Planners | | |

ITEMS:

1. Non Agenda Public Comment
2. Voluntary Accessibility Program- Possible Action Item (Amanda Lee)
3. Landscape Ordinance – Water Conservation – Action Item (Dan Joyce)

Next Meeting: June 10, 2009, 2:00 - 4:00 DSD Conference Room 5C



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: May 6, 2009

TO: Members of the Code Monitoring Team

FROM: Kelly G. Broughton, Director, Development Services

SUBJECT: Voluntary Accessibility Program Amendments

The Voluntary Accessibility Program is intended to encourage the voluntary incorporation of accessible design features in new residential development projects. The proposal was developed in concept by the Technical Advisory Committee (TAC) Accessibility Subcommittee. The goal is to increase the number of accessible housing units in the local housing supply by offering a variety of development incentives to facilitate this type of accessible design.

Residential development projects that are exempt or partially exempt from the CBC accessibility requirements would be eligible for this incentive based program. Any dwelling unit that is voluntarily designed in accordance with this program would be eligible for a floor area ratio bonus. The number of development incentives available to a project would increase in accordance with the number of dwelling units voluntarily designed for accessibility and the type of accessible design features included in the units.

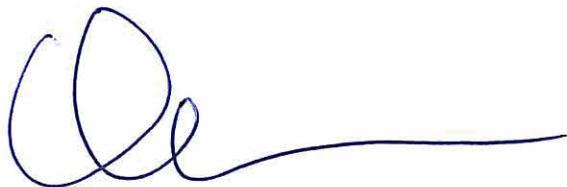
The program would result in two main accessible design types, which have been classified as Tier I and Tier II. Tier I dwelling units would comply with the California Building Code requirements for accessibility (Chapter 11A), with an additional requirement for multi story dwelling units to provide a kitchen on the primary accessible level. These dwelling units would be adaptable to meet the accessibility needs of individual occupants. Tier II dwelling units would comply with a modified set of accessible design standards to create "visitable" units by facilitating access to, and access within, the primary level of a dwelling unit which would include at a minimum a kitchen, a bathroom or half bathroom, and at least one common use room.

One outstanding issue related to the minimum design requirements is whether Tier II "visitable" units should be required to provide a maximum three quarter inch step at the entrance to the dwelling unit in all projects. As proposed, some projects would be eligible for the VAP program even where a portion of the units provide an adaptable entrance with a maximum 4 inch step,

which is of concern to advocates for greater accessibility. Staff is interested in obtaining input from professionals with experience in the residential development industry to understand what obstacles (if any) exist to requiring a maximum three quarter inch step.

With respect to the proposed incentive program, Attachment 1 shows the comparison between the project categories and the number and type of development incentives available. The main categories include projects with one hundred percent of the eligible units designed in accordance with Tier I, one hundred percent of the eligible units designed in accordance with Tier II, or projects with a combination of Tier I and II design. The types of incentives available include a floor area ratio bonus, density bonus, expedited processing, or a choice of incentive from a menu that currently includes use of tandem parking, reduction of parking up to 10 percent, reduction of setback requirements up to 10 percent, increase in lot coverage up to 10 percent, or increase in height up to 10 percent (to accommodate an elevator or special access lift system only). The Code Monitoring Team is encouraged to provide input as to whether the proposed development incentives are appropriate, and whether there are additional incentives that would facilitate this type of accessible residential design.

Staff requests that the Code Monitoring Team review the attached materials related to the proposed Voluntary Accessibility Program and provide a recommendation on the proposed amendments. Additional stakeholder input will be obtained via Technical Advisory Committee and Community Planners Committee meetings, as well as a public review and comment period, prior to the item being scheduled for a public hearing before the Planning Commission or City Council. Please contact Amanda Lee, Senior Planner, at (619) 446-5367 or ajohnsonlee@sandiego.gov for additional information.

A handwritten signature in blue ink, consisting of a large, stylized 'K' followed by a long horizontal line extending to the right.

Kelly G. Broughton
Director, Development Services

AJL

Attachments:

1. Voluntary Accessibility Program Table
2. Draft Code Language

Voluntary Accessibility				
	Expedite Processing	Choice of Development Incentive	FAR Bonus 5% per du	Density Bonus 5% per du
At least one dwelling unit that complies with CBC accessibility requirements (<u>Unit must include accessible entrance with max ¾ inch step</u>)			X	
At least one dwelling unit that complies with Section 145.4005 (visitable) (<u>Visitable unit must include accessible entrance with max ¾ inch step</u>)			X	
100% of eligible units voluntarily designed in accordance with Section 145.4005 (visitable) (<u>At least 50% of the units must include accessible entrances with max ¾ inch step; Up to 50% of the units may include adaptable entrances</u>)	X	1 incentive	X	
100% of eligible units voluntarily designed in accordance with Section 145.4005 (visitable) (<u>All units must include accessible entrances with max ¾ inch step</u>)	X	2 incentives	X	
At least 50% of the eligible dwelling units voluntarily comply with CBC accessibility requirements, with remaining eligible units voluntarily designed in accordance with Section 145.4005 (visitable) (<u>CBC units (min 50% of project) must include accessible entrances with max ¾ inch step; Visitable units may include adaptable entrances</u>)	X	2 incentives	X	
100% voluntarily designed to comply with CBC accessibility requirements (<u>All units must include accessible entrances with max ¾ inch step</u>)	X	3 incentives	X	X

Previous Concept From Subcommittee				
	Expedite Processing	Choice of Development Incentive	FAR Bonus 5% per du	Density Bonus 5% per du
100% voluntarily designed to be "visitable" (<u>At least 50% of visitable units must include accessible entrances with max ¾ inch step; remaining visitable units may include adaptable entrances</u>)	X			
At least 50% voluntarily comply with CBC accessibility requirements and remaining units voluntarily designed to be "visitable" (<u>The CBC units and at least 50% of the visitable units must include accessible entrances with max ¾ inch step; remaining visitable units may include adaptable entrances</u>)	X	2 incentives	X	X

Chapter 14: General Regulations
Article 5: Building Regulations
Division 40: Voluntary Accessibility Program

§145.4001 Purpose

The purpose of the Voluntary Accessibility Program is to encourage residential development to incorporate accessible design features and meet the needs of as many users as possible. The intent is to increase the number of accessible dwelling units in the local housing supply by offering development incentives that facilitate this type of accessible design.

§145.4002 When Voluntary Accessibility Program Applies

- (a) Proposed residential development is eligible for this voluntary program as follows:
 - (1) Projects that are exempt from the accessibility requirements of the California Building Code,
 - (2) Projects where only a portion of the residential development is subject to the accessibility requirements of the California Building Code, or
 - (3) Projects where the required accessibility in accordance with the California Building Code would be less accessible than would be achieved through the Voluntary Accessibility Program.
- (b) In consideration of the benefit to the community, projects with dwelling units that are voluntarily designed to be accessible may be granted development incentives in accordance with Section 145.4003.
- (c) The Voluntary Accessibility Program does not apply to dwelling units requesting reasonable accommodations in accordance with Section 131.0466.

§145.4003 Voluntary Accessibility Program Regulations and Development Incentives

- (a) Development incentives specifically granted under the Voluntary Accessibility Program in accordance with Section 145.4003(c) and (d) shall not require processing of a deviation from the underlying base zone.
- (b) The decision process for a development requesting an incentive shall be the same decision process that would be required if the incentive were not a part of the development proposal.

(c) The *development* incentives available to a project shall be determined by the number of *dwelling units* that would be voluntarily designed for accessibility. Eligible voluntary accessibility program projects may be granted incentives in accordance with either (c)(1), (2), (3), or (4) as follows:

- (1) Where a project includes at least one *dwelling unit* voluntarily designed in accordance with Section 145.4004 or Section 145.4005:
 - (i) The project may be granted a *floor area ratio* bonus up to a maximum of 5 percent for each *dwelling unit* that is voluntarily designed in accordance with Section 145.4004 or 145.4005.
 - (ii) For the purpose of Section 145.4003(c)(1), *dwelling units* shall be designed with an accessible entrance in accordance with Sections 145.4004 and 145.4005(b)(1).
- (2) Projects with 100 percent of the eligible *dwelling units* voluntarily designed in accordance with Section 145.4005 may be granted:
 - (i) A maximum of two *development* incentives from Section 145.4003(d) where *dwelling units* are designed with an accessible entrance at the primary level in accordance with Section 145.4005 (b)(1), or a maximum of one *development* incentive where an adaptable entrance is provided as an alternative in accordance with Section 145.4005(b)(2) for up to 50 percent of the units voluntarily designed in accordance with Section 145.4003(c)(2),
 - (ii) A *floor area ratio* bonus up to a maximum of 5 percent for each *dwelling unit* voluntarily designed in accordance with Section 145.4005, and
 - (iii) Processing through the City’s Expedite Program.
- (3) Projects with at least 50 percent of the eligible *dwelling units* voluntarily designed in accordance with Section 145.4004 and the remaining eligible *dwelling units* designed in accordance with Section 145.4005 may be granted:
 - (i) A maximum of two *development* incentives from Section 145.4003(d),

Comment [a3j1]: This category type was not included in the subcommittee draft. It would grant an FAR bonus for any unit voluntarily designed in accordance with Tier I or II and would require the max ¾ inch step entrance.

Comment [a3j2]: The subcommittee draft, included only the 50/50 mix in this category which would have received expedited processing as the only incentive. As proposed, development incentives and an FAR bonus would also be granted. An additional development incentive would be granted for a project with 100 percent of the units designed with a max ¾ inch step entrance.

Comment [a3j3]: Should an additional incentive be incorporated where a full bathroom is provided on the primary level for each “visitable” unit? (i.e density bonus) Section 145.4005 only requires a half bathroom be provided.

Comment [a3j4]: Should the entrance be addressed for this category or should an additional category be created? Under the subcommittee draft, this category would have received the same incentives plus a density bonus. In addition, half of the “visitable” units would have been required to be ¾ inch step max.

(ii) A floor area ratio bonus up to a maximum of 5 percent for each dwelling unit voluntarily designed in accordance with Sections 145.4004 or 145.4005, and

(iii) Processing through the City's Expedite Program.

(4) Projects with 100 percent of the eligible dwelling units voluntarily designed in accordance with Section 145.4004 may be granted:

(i) A maximum of three development incentives from Section 145.4003(d).

(ii) A floor area ratio bonus up to a maximum of 5 percent for each dwelling unit in the project.

(iv) (iii) A density bonus up to 5 percent based on the pre-bonus number of dwelling units in the project, and Processing through the City's Expedite Program.

Comment [a3j5]: This category type was not included in the subcommittee draft. It would grant the greatest number of incentives for a project designed 100 percent in compliance with CBC accessibility requirements thereby increasing the number of livable, accessible units.

Comment [a3j6]: Council Policy 600-27 would be revised accordingly to include the VAP program with other incentive programs.

Comment [a3j7]: Are these incentives appropriate? Are there additional incentives that should be added?

(d) Development Incentives

Where Section 145.4003 indicates that a project is eligible for one or more development incentives, an applicant may select from the following:

(1) Tandem parking spaces designed in accordance with Section 142.0560 may be used to meet the applicable parking requirement, where at least one parking space provides an additional 5 feet in width (loading area) with a slope not to exceed one quarter inch per foot in any direction in accordance with California Building Code Section 1109A.8.5. An applicant may request tandem parking that does not meet the loading area and/or slope requirements as an additional development incentive.

Comment [a3j8]: Should this require additional "8" feet in width to accommodate a van accessible space or would the additional 5 feet for loading/unloading be adequate?

Comment [a3j9]: Is it appropriate to allow for this incentive since both Tier I and II projects are required to provide an accessible exterior route of travel to the primary entrance?

(2) The applicable parking regulations may be reduced up to 10 percent.

(3) The applicable setback regulations may be reduced up to 10 percent.

(4) The applicable lot coverage regulations may be exceeded up to 10 percent.

(5) The applicable maximum structure height regulations may be exceeded by up to 10 percent to accommodate an elevator or special access (wheelchair) lift system. The maximum structure

height may not exceed height limits required within the coastal height overlay zone or the airport land use compatibility overlay zone.

§145.4004 Tier I Accessible Design Standards

- (a) In order to meet the Tier I Accessible Design Standards, *dwelling units* shall comply with the California Building Code requirements for accessibility (Chapter 11A).
- (b) For the purpose of this section, *dwelling units* developed with multiple stories shall provide a kitchen on the primary accessible level in accordance with the California Building Code requirements for accessibility (Chapter 11A) in addition to other accessible design requirements in accordance with Section 145.4004(a).

§145.4005 Tier II Accessible Design Standards

The Tier II Accessible Design Standards are intended to encourage “visitable” *dwelling units* that facilitate access to, and access within, the primary level of a *dwelling unit* by *disabled persons*. The primary level of a Tier II accessible *dwelling unit* shall include accessible routes of travel and spaces (a kitchen, a bathroom or half bathroom, and at least one common use room) designed as follows:

(a) Accessible Exterior Route of Travel

At least one exterior accessible route of travel shall connect an accessible entrance to either the sidewalk or driveway. The exterior route of travel shall be designed as follows:

- (1) A width in compliance with California Building Code Section 1113A.1.1;
- (2) A maximum slope less than 1 unit vertical and 12 units horizontal with a maximum 2 percent cross slope; and
- (3) A level landing area of 5 feet in length shall be provided for every 30 inches of rise.
- (4) Handrails are not required.

(b) Accessible Entrance to the Primary Level

- (1) At least one accessible entrance to the primary level shall be provided that does not exceed three quarters of an inch in height differential between the exterior and interior landings.
- (2) In lieu of Section 145.4005(b)(1), the entrance may be designed to be adaptable for accessibility as follows:
 - (A) A maximum of 4 inches in step height between the exterior and interior landings;
 - (B) A minimum clear space of 12 inches in length for every 1 inch in step height on the exterior side of the door to accommodate a future ramp;
 - (C) The ramp clear space shall not overlap the exterior landing;
 - (D) Interior and exterior landings with a minimum length of 48 inches in the path of travel; and
 - (E) An entry door with a net clear opening of 32 inches.

(c) Accessible Interior Route of Travel

At least one interior accessible route of travel shall be provided in compliance with California Building Code Section 1120.A.1. The interior route of travel shall connect an accessible entrance to the following rooms located on the primary level:

- (1) At least one bathroom or half bathroom,
- (2) The kitchen, and
- (3) Any common use rooms such as a living room or family room.

(d) One Kitchen on the Primary Level

A kitchen, located along the interior accessible route of travel on the primary level, shall be provided in accordance with the following:

- (1) A clear floor space at least 30 inches by 48 inches shall be provided to allow a parallel approach by a person in a wheelchair at a range or cooktop and the kitchen sink, and either a parallel or forward approach at the oven, dishwasher, and refrigerator/freezer.
- (2) In lieu of Section 145.4005, a kitchen with a pass through design may provide a 39 inch wide or greater accessible route of travel to

a range or cooktop, kitchen sink, oven, dishwasher and refrigerator/freezer.

Comment [a3j10]: Can this be referred to more generally as "countertops and (major) appliances"?

- (3) Kitchen sink faucet controls shall use lever hardware or other similar hardware.
- (4) A minimum linear length of 30 inches of countertop space shall be provided adjacent to the kitchen sink.

(e) Bathroom or Half Bathroom on the Primary Level

At least one accessible bathroom or half bathroom, located along the interior accessible route of travel on the primary level, shall be provided in accordance with the following:

- (1) The bathroom entrance shall provide sufficient maneuvering space in accordance with California Building Code Chapter 1134.A.4.
- (2) Structural reinforcements for future grab bar installation shall be provided in the walls adjacent to showers and bathtubs, and the walls or floor adjacent to toilets, in accordance with California Building Code Chapter 11A.
- (3) A minimum clear space of 30 inches by 48 inches for parallel approach shall be provided at the lavatory. Maneuvering spaces may include any knee-space or toe-space available below bathroom fixtures.
- (4) A minimum clear space of 30 inches by 48 inches for forward approach shall be provided at the toilet.
- (5) When provided, a minimum clear space of 30 inches by 48 inches for parallel approach shall be provided at the shower or bathtub.
- (6) Faucet controls shall use lever hardware.

(7) Clear spaces at the sink, toilet and shower/bathtub may overlap or coincide.

(f) Common Use Room(s) on the Primary Level

The accessible primary level shall include at least one common use room such as a living room or family room.

(g) Accessible Design and Fixtures on the Primary Level

Accessible rooms located along the interior accessible path of travel and the accessible entrance to the primary level shall comply with the following:

- (1) Doors
 - (A) Doors shall have a minimum net clear opening of 32 inches.
 - (B) Lever hardware, or other similar hardware, centered between 30 inches and 44 inches above the floor is required except for pocket doors or sliding doors.
 - (C) Pocket doors and sliding doors providing access to rooms required along the interior accessible route of travel shall be easily operated by persons with limited dexterity.
- (2) Electrical Outlets and Fixtures
 - (A) Electrical switches and outlets shall be located no more than 48 inches measured from the top of the outlet box nor less than 15 inches measured from the bottom of the outlet box to the level of the finished floor.
 - (B) Electrical outlets providing power to appliances such as ovens, refrigerators, microwave ovens, dishwashers, washing machines, dryers and other similar fixed appliances are exempt.

Existing Reasonable Accommodations regulations are included for reference only:

§131.0466 Deviations from Development Regulations for Reasonable Accommodations

The Federal Fair Housing Act and the California Fair Employment and Housing Act require that jurisdictions make *reasonable accommodations* to afford *disabled persons* the equal opportunity to use and enjoy a dwelling. In consideration of the special need and the potential benefit that can be accomplished with a requested modification, deviations may be approved through Process One subject to the following:

- (a) The *development* will be used by a *disabled person*;

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- (b) The deviation request is necessary to make specific housing available to a *disabled person* and complies with all applicable development regulations to the maximum extent feasible;
- (c) The deviation request will not impose an undue financial or administrative burden on the City;
- (d) The deviation request will not create a fundamental alteration in the implementation of the City's zoning regulations.
- (e) For *coastal development* in the *coastal overlay zone*, that is not exempt pursuant to Section 126.0704, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program.

Article 2: General Development Regulations**Division 4: Landscape Regulations**

§142.0401 through §142.0402 [No change]

§142.0403 General Planting and Irrigation Requirements

All planting, irrigation, brush management, and landscape-related improvements required by this division must comply with the regulations in this section and with the Landscape Standards in the Land Development Manual.

(a) [No change]

(b) Plant Material Requirements

(1) through (14) [No change]

(15) Plant materials shall be grouped into hydrozones with plant species having similar water demand and by their, soil, sun, and shade requirements.

(16) Plant material shall be selected to be less than or equal to a maximum applied water allowance (MAWA) as determined by the water budget formula and specifications in Section 142.0413(d).

(c) through (d) [No change]

§142.0404 through §142.0412 [No change]

§142.0413 Water Conservation

(a) Landscape Area. For purpose of Section 142.0413 landscape area means the entire premises less the area of building footprints, non-irrigated portions of parking lots, driveways, *hardscapes*, and areas designated for habitat preservation or brush management Zone 2.

(b) Lawn Requirements.

(1) Lawn areas shall not exceed 10 percent of the landscape area on a *premises*, excluding required common areas, active recreation areas, and areas located within the *public right-of-way* between the curb and public sidewalk. This restriction does not apply to *single dwelling unit* residential uses in residential zones.

(2) The minimum dimension of a lawn bounded by impervious surfaces on two or more sides is 8 feet in all directions unless subsurface or low volume irrigation is used.

- (3) Lawn areas located on slopes, where the toe of slope is adjacent to *hardscape*, shall not exceed a gradient of 25 percent (4:1).
- (c) Mulch Requirements. All required planting areas shall be covered with mulch to a minimum depth of 2 inches, excluding slopes requiring revegetation and areas planted with ground cover. All exposed soil areas without vegetation shall also be mulched to this minimum depth.
- (d) Water Budget.
 - (1) *Developments* listed in Table 142-04I shall be subject to a water budget (maximum applied water allowance).

**Table 142-04I
Water Budget Applicability**

Type of Development Proposal	Landscape Area Threshold
New <i>development</i> (excluding new single dwelling unit development)	≥ 1,000 square feet
Common landscape areas within new <i>single dwelling unit development</i>	≥ 1,000 square feet ¹
Model homes within <i>single dwelling unit development</i>	Applies to All

Footnote to Table 142-04I

¹ Total area of common landscape in the development.

- (2) The water budget is calculated using the following formula (see the Landscape Standards for additional information):

$$\text{Water Budget} = (\text{ETo})(0.62) [(0.7)(\text{LA}) + (0.3)(\text{SLA})]$$

Where:

 - ETo = Evapotranspiration (inches per year)
 - 0.62 = Conversion factor (to gallons)
 - 0.7 = Evapotranspiration Adjustment Factor
 - LA = Landscaped Area (square feet)
 - SLA = Special Landscape Area
- (3) The irrigation system is required to be operated within the approved water budget.
- (4) The estimated total water use, as calculated in Section 2.6 of the Landscape Standards shall not exceed the water budget as calculated in Section 142.0413(d)(2).
- (e) Water Meters.

- (1) Dedicated landscape irrigation meters shall be required in all new *development* (excluding new single *dwelling unit development*) with a landscape area greater than or equal to 5,000 square feet. Except that this requirement shall not apply to commercial production of agricultural crops or livestock.
- (2) Landscape irrigation submeters shall be required in the following *developments*:
 - (A) New *single dwelling unit development*;
 - (B) Improvements to the following existing industrial, commercial and *multiple dwelling unit development* when:
 - (i) The improvement requires a building permit and a landscape review as identified in Table 142-04A; and
 - (ii) The landscape area is between 1,000 and 5,000 square feet.
- (f) Irrigation Audit. *Development* subject to the requirement for a water budget in Table 142-04I is required to conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards.
 - (1) All landscape irrigation audits shall be conducted by a California registered landscape architect, a licensed landscape contractor, or other professional licensed by the State to perform this work.
 - (2) The landscape irrigation audit shall be certified as accurate by the licensed professional and submitted to the City prior to occupancy and use.
- (g) Reclaimed water. New *development* in areas where reclaimed water is available and suitable for irrigation are to provide for a dual water distribution system for all landscaped areas so that only reclaimed water is used for irrigation purposes.